

IPR2020-01454
U.S. Patent No. 9,125,739

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC COREVALVE LLC,

Petitioner,

v.

COLIBRI HEART VALVE LLC,

Patent Owner.

Case IPR2020-01454

U.S. Patent No. 9,125,739

**DECLARATION OF DR. WILLIAM J. DRASLER IN SUPPORT OF PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 9,125,739**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	QUALIFICATIONS	4
A.	Summary	4
B.	Education.....	5
C.	Work History	6
1.	2015-Present – William Drasler Consulting:.....	6
2.	2008-2015 – InterValve, Inc.:.....	6
3.	2001-2008 – Boston Scientific, Inc.:	7
4.	1999-2001 – Lake Region Manufacturing, Inc.:	7
5.	1986-1996 – Possis Medical, Inc.:.....	7
6.	1983-1986 – SciMed, Inc.:.....	8
III.	LEGAL UNDERSTANDING.....	8
A.	My Understanding of Claim Construction.....	8
B.	My Understanding of Obviousness.....	11
C.	Level of Ordinary Skill in the Art.....	15
IV.	BACKGROUND OF THE TECHNOLOGY.....	17
V.	THE '739 PRIORITY DATE.....	20
VI.	THE '739 PATENT	20
A.	Overview of the '739 Patent.....	20
B.	Prosecution History of the '739 Patent	28
VII.	CLAIM CONSTRUCTION	30
A.	“trumpet-like”.....	31
B.	“valve means”.....	31
C.	“controlled release mechanism”	33
VIII.	FOUNDATIONS OF UNPATENTABILITY.....	35

A.	Ground 1: Garrison Renders Obvious Claims 1-5	36
1.	Overview of U.S. 6,425,916 (“Garrison”).....	37
2.	Invalidity of Claims 1-5 over Garrison.....	51
(a)	Element [1.pre].....	51
(b)	Element [1.1]	51
(c)	Element [1.2]	53
(d)	Element [1.3]	56
(e)	Element [1.4]	59
(f)	Element [1.5]	61
(g)	Element [1.6]	64
(h)	Claim 2	66
(i)	Claim 3	66
(j)	Claim 4	67
(k)	Claim 5	68
B.	Ground 2: Garrison in view of Leonhardt Renders Obvious Claims 1-5	69
1.	Overview of U.S. 5,957,949 (“Leonhardt”).....	69
2.	Motivation to Apply Leonhardt’s Teachings in Implementing Garrison	73
3.	Invalidity of Claims 1-5 Over Garrison in view of Leonhardt	76
(a)	Element [1.2]	76
(b)	Elements [1.3] and [1.6].....	77
C.	Grounds 3-4: Garrison in View of Nguyen (Ground 3) or Leonhardt and Nguyen (Ground 4) Renders Obvious Claims 1- 5.	79
D.	Ground 5: Andersen in view of Limon and Gabbay Renders Obvious Claims 1-3, 5.....	82
1.	Overview of U.S. 5,840,081 (“Andersen”).....	83
2.	Overview of U.S. 6,077,295 (“Limon”)	85
3.	Motivation to Apply Limon’s Teachings in Implementing Andersen	88
4.	Overview of U.S. 7,025,780 (“Gabbay”) and Motivation to Apply to Andersen in view of Limon	92

169. Specifically,.....	95
5. Invalidation of Claims 1-3, 5 Over Andersen in view of Limon and Gabbay.....	97
(a) Element [1.pre].....	97
(b) Element [1.1].....	98
(c) Element [1.2].....	99
(d) Element [1.3].....	101
(e) Element [1.4].....	105
(f) Element [1.5].....	106
(g) Element [1.6].....	110
(h) Claim 2.....	111
(i) Claim 3.....	112
(j) Claim 5.....	113
E. Grounds 6-7: Andersen in view of Limon, and WO00/15147 ("Phelps") (Ground 6) or Limon, Phelps, and Nguyen (Ground 7) Renders Obvious Claims 1-3, 5.....	114
F. Grounds 8-10: Claim 4 Is Rendered Obvious by Andersen in View of Limon, Garrison and Gabbay (Ground 8) or Andersen in View of Limon, Garrison and Phelps (Ground 9), or Andersen in view of Limon, Garrison, Phelps, and Nguyen (Ground 10).....	118
IX. SECONDARY CONSIDERATIONS.....	120
X. CONCLUSION.....	120

I. Introduction

1. I have been retained by Medtronic CoreValve LLC to provide my opinions on certain issues related to U.S. Patent No. 9,125,739 (the “’739 patent” or “Paniagua”) in connection with the above-captioned *inter partes* review (IPR) proceeding. In particular, I have been asked to provide my insights, analysis, and opinions regarding whether claims 1-5 of the ’739 patent are obvious over the prior art references identified below.

2. I understand the ’739 patent is titled “Percutaneous replacement heart valve and a delivery and implantation system,” names as inventors David Paniagua and R. David Fish, and is currently owned by Colibri Heart Valve LLC. I have considered the ’739 patent. I understand that the ’739 patent has been provided as Ex. 1001.

3. I understand that the file history of the ’739 patent has been provided as Ex. 1003. I have considered this file history.

4. I understand that the ’739 patent claims priority to application Nos. 13/675,665, 10/887,688, and 10/037,266. I understand that file histories for these applications have been provided as Exs. 1017, 1016, and 1018 respectively. I have considered these file histories.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.